A clean clear-ance of all the Clething is what we have dear-mined on. Not a garagem must be left over, whatever we lose. We have cut the places clean in two at one fell swoop. And, co-member, we have only just be 13 the winter weather.

Mee's \$10 Suits, in Cassi-mer's and worsteds, che ks, pin stripes, Scotch plants,

\$5.00 Mea's \$15 Suits, fine D.css uits, splendidly made and

\$7.50

Mer's 180 Overcoats, Ker-seys, Mettons, etc., perfect in cut and finish, \$5.00

Men's \$15 Overcoats, a col-lection of the very finest garments, cheap at \$15.

\$7.50 Mee's 85 Pants in fashion hie patte as, all wool tweeds corsted cassimeres,

\$2.35 Ladies' \$10 Jackets, Kersey, Beaver, and rough effects, sphentidly mode and fastion-ably cut.

\$4.95 Ladies' \$15 Jackets, fine Kersey or rough cloths, As-traksan, Boucle, etc., mag-nific-entry trianged,

\$7.50

MAYER & PETTIT.

"Cash or Credit."

415-417 Seventh St.

FIRED ON FLEEING MEN

The Striking Miners Were Not Disorderly When Attacked.

Damaging Testimony Against Sheriff Martin and His Men Given by an Eyewitness.

Wakesburre, Pets. 4. The triat of Sherff Marxin and his deputies was resumed his morning with Charles Gascutt, teacher of a school situated near the acces of the theoring, again on the stand-

Gawott has been the only witness of the prosecution so far. His evidence pesterday was extremely damaging. He sold a pinin, straight forward tale of the shooting, which he witnessed from end to end, and his story impressed all who heard it-

The strikers, he testified, were marching in a peaceful and orderly manner when they were halted by the sheriff and his deputies. He did met bear the sheriff meak, or see him read a paper-

As the strikers pressed forward to ascestam the ceasons for the bult, the deuties began shosting, and kept it up, even when the strikers were flering in all the rections. One manfell dead a hundred yards from the deputies, shot through the linck

The depo ies on trial kept together, in and out of the controom, and most of them carry revolvers. Nor do they make any secret of the fact. They still feat that the friends of the killed and wounded may cherish some desite of revenge. and that the re telling of the story of the Leximor tragedy may incite violence. A report became current here today

that testimony will be introduced later to show that the sheriff did not select has deputies Busself, as required by law, that accepted selections made by interested parties, and swore them all in at once. It is reported also that he did the order the shoriff standing at the time twenty five feet away. A strike at the sheriff's side was killed by the fusiliade. It is believed that the evidence will show that the deputies were not posse committee," and that they shot

Michael Curtin Acquitted. Michael Cirtin was acquitted today by a jury in the name court, on the charge of keeping an entrensed bur as Rootersville. settlement near the Soldiers' Home. The defendant was represented by Laps comb & Turnet, and the United States by Assistant Petrict Attorney Pugh. The ther wants for the Government was James O. Horton, who admitted that he had paraded in the clothes of a veteran received mosey from the police to aid him. making on a case against the defend and and had also borne faise witness.

The Pricate Calendar Taken Un. The House this morning, by an ay and may vote, decided to take up the private calendar, and to let the approprintion bill for fortifications go over

until the calendar is cleared

WM. J. ZEH,

Down-Town Yards For the accommodation of the Public

708 Eleventh Street. Lowest City Prices KEYSTONE COAL For Steam Heating.

NO DIRT, DUST OR CLINKERS.

Best on the Market and Lowest Prices.

476 Telephone 476

Remember the Number and Name. Zeh, J. Wm.

Frank Libbey and Company,

GRABLE'S HOME ATTACHED

His Creditors Have Seized His Mining and Other Properties.

MINISTERS WERE HIS DUPES

After Taking Methodist Parsons on an Excu-sion He Soid Them \$15,-000 Worth of Stock-His Letter to the Chemical National Bank Offificials 'Vas Obtained in Omala.

Omaha, Feb. 4. -The affairs of Fran cis Grables, to whem William J. Quinlin, Jr., cashler of the Chemical Na tional Bank, of New York, loaned \$201. 000 of the bank's money, in consequence of which Mr. Quinlin saw fit to resign his position as cashier, have taken a sensational turn. Yesterday everything he owned in Omaha was attached, and reditors rushed special messengers to Edgement and Deadwood to attach the properties in which Grable has a positive interest. In Omaha Marcus L. Parrote was the first to get papers of file. He sues for \$6,000, alleging that for several years he has been in the employ of Grable in this city; that he has advanced him large sums of money at various times, and has also paid out of his own pocket bills incurred by

George H. Scripps. sues on a note for \$10,000, alleging that he loaned Grable this sum and that no portion of it has ever been paid.

As soon as the clek could get down to
work attachment papers were issued
and delivered to the sheriff, who, during the morning, levied upon Grable's house at Twenty-fourth street and Langdon court, together with his bousehold fur-

siture, horses and carriages. The property attached is estimated to be worth in the neighborhood of \$20,009. During the forenoon the mails brought deed from New York parties by which Grable conveys to J. H. C. Walk-er, of Scott City, Kan. all of his inter-st in three lots in South Omaha for '31 and a valuable consideration. The deed was executed in New York cit; and bears the date of January 24, 1897.

Grabie is president of the State Bank of Crawford, owning one-half of the shares in the institution, Charles G. Grable is cashier and S. C. Grable, of Fort Collins, Col., is vice president, the Grables owning all the stock between them. The bank is capitalized for \$10. 660, and its last statement shows loan ints of \$35,000 and deposits o about \$40,000. It has been doing a pros

It has just developed here that in the matter of getting letters of intro-fuction and recommendation Mr. Grale stood in a class all by himself, and W. K. Kurtz stood at the head of the next class. While it was through a strong letter from a non-church going mun here that Grable obtained a footing at the Chemical National Bank of New York, Bishop Newman and oth-er prominent Methodist churchmen gave numerous letters to Grable and

The religious side of Grable's enter-prises was, in fact, very prominent. He was one of the most active men in the Methodist church in the country, and sold stock in his enterprises to bish-ops, ministers and laymen.

Both Grable and Kurtz were very active for some time previous to the hobling of the general conference here six years ago. After it was over they six years ago. took a trainload of the most prominent ites on a trip to the Black Hills. and on the road sold them \$15,000 of clock. Since then they have sold to delegates, and through them, many hundreds of thousands of dollars

worth of steek,
Mr. Grable is credited with having
had the Rev. P. S. Morrill transferred from the Omaha to the New York conference and made presiding elder of the best district (Buffalo) in the intry. It is said here that at the Methodist Book Concern Building New York last summer Dr. Merrill formed an Omaha friend that he sold \$300,000 worth of stock for Mr.

Grable is expected to arrive in this city from St. Louis tomorrow.

MR. STEVENSON A VICTIM.

The Former Vice President Was In terested in Grable's Schemes.

Chicago, Feb. 4.-Adlal E. Stevenson ormer Vice President of the United States, is said to have a large financial interest in Francis Grable's Black Hills gold scheme, and it is said that a block of stock was given to him by Grable in return for the use of his name as president of the company, to ome as president of second Bart Harris.

succeed Bart Harris.

Mr. Stevenson, upon learning of the Chemical Bank disclosures, left his Bioomington home and started for Philadelphia, where many of the stockholders in Grabie's schemes reside.

Grable's Philadelphia Affairs.

Philadelphia, Pa., Feb. 4.-Creditors of Francis Grable in this city began i scramble to protect themselves yesternd C. W. Sparhawk, repre senting Ge . Fletcher, one of the five managers of the Edgemont and Iron Hall Smelting Company, went into ert and issued an attachment for \$25,000 against Grable, naming J. Wes-ley Supplee, John H. Graham and the Corn Exchange National Bank as gar-nishees. Security was entered in the nishees. Secu-

A Rayal Pair Divorced.

Rome, Feb. 4.-A bill of seperation has een granted, severing the marital relations of Count Philip Folchi and Princess Elvira, daughter of Don Carlos, the pretender to the Spanish throne. By the terms of the separa-tion, Princess Elvira receives 300 francs a month. The Princess, or as she was called, Infanta Donna Elvira. eloped with Count Folchi in Novem ber, 1896, at which time she was pub-licly disowned by her father.

The Brooklyn Leaves New York, New York, Feb. 4.-The cruiser Brooklyn sailed from the New York navy yard at 7:45 a. m. today, and will proceed direct to Hampton Roads, where she will await further orders where she will await further orders from Washington. It is reported here that the Brooklyn will be ordered to meet the Spanish warship Viscaya, which is expected in American waters in a few days.

Those sample Stetson's Hats, were \$51 down to \$2.50. Auerbach's, Pa-av.

Weather strips, the best, the ficest. very size; all cent and a half a foot. age of brads will cover a house.

FAVOR A NEW SECRETARY. Prominent Commercial Men Want an Addition to the Cabinet.

A hearing was granted today by the House Committee on Commerce to persons who favor the creation of a Secretary of Commerce for the President's Cabinet. The committee was addressed by Ferdinand W. Peck and Col. John W. Ela, of Chicago, and Mr. Sea ch of Philadelphia, president

of the National Manufacturers' Association. They each favored the creation of the Department of Commerce; claimed that ere is a great need for it, and that such a department would extend commerce and enlarge the markets of the world. Such a departmen as proposed, they said, would costs, markets, etc., which would prove invaluable to commercial people.

After the hearing the committee au

therized the chairman to send a letter to the several departments of the Government, asking for all information on the subject at 'he disposal of the departments. The committee will have its action upon the information so received.

WORSE TO FRIEND THAN FOE

Shells That Burst When Leavthe Cannon's Mouth.

SOMEBODY HAS BLUNDERED

Reported Test at San Francisco Shows That Half the Shells of One Lot A) e Defective-No Official Report Received Here-Responsibility Will Be Fixed.

Sun Francisco, Feb. 4.-In tests of schrapnel shells by Lientenant Babbitt, of the Benicia arsenal, at Presidio, yesterday, 50 per cent of them were found worthless. This poor schrapnel was supplied by the American Ordnance Company, of Washington. Lieutenant Babbitt excluded all the shells fused by electreity, on the suggestion of the company. Twenty-six rounds were discharged.

The faulty shells burst pear the nuzzle of the gun and scattered the encased bullets and other matter a few yards in advance of the gunners. It was alleged that the chief cause of the premature explosion was the thinness of the wall of the shell, it having been made purposely thin to

admit a heavier charge of ammunition. The War Department had received no infirmation of the above report at a late hour this afternoon

The manager of the American Ordance Company said today that it was mpossible for him to identify the amunition as any which his company had furnished to the Government. He was inclined to doubt that the defective heils were made by his company. It was strange, he said, that shells

of this character had passed the Govrnment tests preliminary to accept-The American Ordnance Company delivers the ammunition bought of it by this Government to the New York arsenal, the central distributing depot for supplies of this kind. Shells are delivered in lots of 160. The board of inspection then chooses from each lot a certain percentage of the shells. in percentage of the shells at present two per cent. T sent to the Sandy Hook These are sent to the Sandy Hook proving grounds. One shell is given a field test, and the other is tested to see that its fragmentation is correct. To prove this, it is exploded in a bomb proof chamber, and the fragments examined. All ammunition distributed from the New York arsenal is supposed to have

a fair one to determine the effective ness of the shell. Francisco dispatch which was not clear to the manager of the ordnance com-pany. It was this: "Lieutenant Bab-bitt excluded from the tests all the shells fused by electricity, on the sug-gestion of the company." The schrap-nel shells which the American Ordnance Company has furnished to this Government, said the manager, are could ped with time fuses, so adjusted that the explosion may be calculated within an eighth of a second. The manager knew of no suggestion having been made by his company that any shells should be excluded from the test. The American Ordnance Company, he said. did not know that any tests were in progress of that character, and the matter was not within the jurisdiction of the company, the shells having been accepted by the Government.
Capt. Shaler, chief of the Ordnance
Bureau of the War Department, had

passed this test, which is considered

received no official report of the tests and thought that the defectiveness of shells was of no great significance, could not at this time tell where by whom the alleged shells were de. There is an old lot of small schrappel shells at the Benicia arse nal, about which there has been complaint from the artiflery officers at the Presidio, he said, and the shells were de in 1892. The Government had about 1,000 of them. In that year shells of the kind and caliber as those referred to were bought from the American Ordnance Company, and from the American Projectile Company.

American Projectile Company, Until formal report shall have been received at the department as to the result of the tests, the officials can-not identify the makers of the defect-ive ammunition or fix the responsibility for its acceptance.

Refused to Accept the Surety. Martin L. Welfley and Daniel K Jackson today filed a petition for a writ of mandamus against Justice of the Peace Samuel C. Mills to compel him to accept a bond in a case tried before him, and for an injunction to prevent an execution on his judgment. On January 19 Enoch M. Lowe, for John F. Donohue, rued the plaintiffs for \$100 and obtained judgment. They gave no-tice of appeal, and later offered Mr. William C. Peake as their bondsman. For some technical reason, which the daintiffs assert was insufficient, Justice Mills refused Mr. Peake as their

Sir George Stewart White Injured. Calcutta, Feb. 4. - Gen. Sir George Stewart White, formerly commander-in-chief of her majesty's forces in India, was thrown from his horse this morning and was injured seriously. One of his legs was broken in two places, and he was shaken and braised severely.

Weather strips-Our 5-cent pack

THE DISTRICT MUST SUFFER LEITER'S EFFORTS FUTILE

Herculean Efforts.

HIS COMPANIONS LEAVE HIM

Holdings Without Effect.

Chicago, Feb. 4 .- For the first time

since October last, when wheat, buoyed

up by Joseph Leiter's purchases, went

above 90 cents and remained there, the

market refused yesterday to respond to

Leiter's efforts to sustain it, and went

down in the face of the fact that he

added fully 1,000,000 bushels to his hold-

market, with more or less wheat to

their credit ten days ago, among them

being Linn, Brega, Cudahy, Orr, Baker,

Haarslick and Spencer. They easily

There was not one of them long of

are following his example. This height-ens the anxiety of those in the market, because they feel that if Leiter wants

to concede something from his price he could sell a good deal of his cash wheat,

if he begins to sell the prices will go

Leiter is mystified at the situation and several brokers on the Board of

Trade say he is in a quandary. There is more wheat in the country than he counted on, but he never thought the

market would ever get away from him as it did yesterday. Two weeks ago he sent the market up 5 cents by the pur-chase of a quarter of a million bushels,

took in four times as much. He cannot sell his cush wheat without everyone knowing it, for his every movement is

As the situation now stands the general feeling is that, while Leiter can break the market if he wants to, he cannot hold it up. His effort to belster prices yesterday was most determined, but the pit ignored him. His buying brought about railies, but the instant it to the determined was represented by the decline was represented.

stopped the decline was renewed. Hall

One result of yesterday's trading is to make Leiter more an object of anxious interest, if such a thing be possible,

master of the market in one

he can play smash in another if he feels

like it. He will not give in until he

is compelled to, and his friends say that time has not come yet. The elder Lei-ter is a good fighter and the young man

takes after him, but the traders say

THEIR DISBURSING OFFICER.

The Commissioners Want His Du-

ties and Salary Increased.

The District Commissioners today

sent to Congress a bill to enlarge the

duties and responsibilities of the dis-

bursing officer for the District, and to

nerease the salary of the position from

They state, that, in their opinion, it

s of the utmost importance that the

disbursing officer be given greater au-

thority and that some of the duties

properly his, but which have been per-

formed heretofore by the Commission

except the Commissioners. There were

The duty of signing these checks,

the Commissioners say, which falls principally upon the president of the board, makes a degree of labor at the end of each month which is excessive

and seriously interferes with important

and seriously interferes with important executive business, interrupts private conferences with the board, and pre-vents the Commissioners from going out as a body to look at work which demands their attention."

It is also pointed out that under the present system, whenever there is a change in the personnel of the Com-missioners, entirely new books must be opened in the Treasury Department, at a great expense of time and money.

it a great expense of time and money. The bill provides that the disbursing

clerk may draw on the Treasury for the salaries, and he shall give a bond

Another Attack on Senator Quay.

McCormick applied today to the Dau-

phin county court for a preliminary in

Hastings, to restrict the Capitol Build

their official capacity. The court held the papers and reserved decision. It is

said that plans for the new State hous

lenator Quay in State politics.

unction, at the instigation of Governor

sion from acting further in

opened next Monday. This is

Pittsburg, Feb. 4.-Attorney General

checks drawn last year, over 3,-

ers, should be given to him by law. Under the present law, they say, no one has authority to draw on the Treasury for the payment of salaries

Lefter's load of wheat is enough

crush an Atlas.

\$1,600 to \$3,000 yearly.

000 a month.

session prices were at puts or un A good share of them were good

and yet it declined yesterday

No Hope at Present for a Con- Wheat Goes Down Despite His tagious Disease Hospital.

THE COMMISSIONERS HELPLESS

Judge Hagner's Decision as to Providence Tospital Blocks the Way. The Grounds of the Homeopathic Hospital Not Large Enough-An Appeal May Be Taken,

The District Commissioners consider the decision of Justice Hagner, which declares meonstitutional the appropriation and payment of Government money to sectarian institutions, and prevents the erection of the contagious disease hospital on the grounds of Providence Hospital, a most unfortunate conclusion of the matter. The city needs this building

The Commissioners will have a consultation with the attorney for the District, Mr. S. T. Thomas, this afternoon over the legal aspects of the case, and it may be determined to earry it to the court of appeals But they my that no matter how the case is finally decided, the delay is particularly unfortunate at the present time, owing to the increasing prevalence of diphtheria and scarlet fever.

Commissioner Wight, who has the Im mediate supervision of the charitable institutions and the Health Office, said to a reporter for The Times this morn

ing: The Providence Bosnital grounds wen chosen by is for the site of the contagions discuse hospital buildings after every possible available place in the Instrict had been thoroughly canvassed. It is not putting the case too strongly to say that the decision practically means that the building cannot be erected, and that we cannot have a contagious dis-

"We were absolutely refused permission for the building by every bospital institution in the city except two-the Provi-dence and the Houseopathic. The grounds of the Homeopathic Hospital are not large nough to gi cassurance of a proper isolation to such a building.

We were 'ntending to push the erection of the building with all possible speed, as the need for it is acute. The health office records recently are that both diph theria and scarlet fever are prevalent Under the decision, however, we are at a standstill."

Commissioner Ross expressed the same concern over the decision and the same belief that it is a most unfortunate one. It is the general opinion that although the decision yesterday was only as to the one institution and money for the purpose, it was broad enough to be a sufficient precedent against all the appropriations for private electrosynary institutions of a wetional diameter in the District from the time:

in conversation with a reporter for The Times yesterday Mr. Joseph Bradfield said that this is his view of the case, and that the decision will be a bar to the passage of any fur-her appropriations of a like

LINDSAY WILL NOT RESIGN

The Kentucky Legislature's Demand a Usurpation of Power.

His Term of Service, the Senator Declares, Fixed by the Constitution, and Carnot Be Abrogated.

The Senate on motion of Senator Hale voted that when it adjourns today it shall be till Monday.

Before yielding to a motion to go inte executive session, Mr. Lindsay of Kentucky, rising to a question of persons privilege, sent to the clerk's desk and had read the resolution of the legislature demanding his resignation, "so as to give place to some Democrat who will represent the interests of the Democratic party."

"Couched," Mr. Lindsay said at the conclusion of the reading, "in the language disregardful of the ordinary amenities of life, it is a demand that shall surrender my place in order to create a vacancy and make room here for some one holding political views in harmony with the authors and supporters of the resolution. I protest against that usurpation of power. am a Senator from the State of Ken tucky, but I am a Senator of the United States," (Remarks of approval.)

Mr. Lindsay went on to say that up to the time of his second election to the Senate his votes against free silver coinage were in accordance with the views of the people of Kentucky, and that he stood today precisely where he had stood then; so that it was not he who had changed. The poeple of Ken-tucky had changed while he had renained steadfast. He asserted that h did not hold his place at the will of the legislature. He did not represent a party or a faction, but all the people of

His term of service was fixed by the Constitution of the United States and could not be abrogated by the action of the Kentucky legislaure. Any attempt to abrogate it by certain members of that body was the assertion of a right which did not exist and could not exist, without impairing the independence of the Senate.

"With these remarks," he added conwith these remarks, he added con-temptuously, "I dismiss the so-called legislative request for my resignation." ("Good, good," from Senators near him.) The Senate then went into ex-

Bright's disease, and that is one of the

is believed that Gov. Hastings will sign

Pair; followed by threatening; warmer.

trong reasons urged for clemency.

Major Moreland to Be Pardoned. Annapolis, Feb. 4.-A bill has been in-Pittsburg, Feb. 4.-The State pardon roduced in the house of delegates by oard recommended a pardon yesterday Mr. Hall, of Talbot county, to do away with capital punishment by hanging and the substitution therefor of elecor Major William C. Moreland, ex-city attorney, who has served eighteen months of a sentence of three years for embezzling city funds. The prison officials say

> egg, and not. Powhatan Coal Co., 1368 st. nw.; 'phone, 620, or dealers generally

Coalt Coalt!! Coalt!!

\$5.25 per 2,240, delivered, Gayton stove

Weather strips, cent and a batt a foot; either felt or rubberGEN, LEE IN DANGER.

Private Dispatches Come From Cubs Witteh Are Startling Atlanta, Feb. 4.-Dr. Pla, a prominen

Cuban refugee, in Atlanta, received today advices from Havana, as follows: "There is no personal safety in Havana. Though the riots of January 12 were suppressed, they are but dormant Actually, we are upon a volcano. The Spanish government will be entirely powerless to check the outbreak. The mbers of the autonomist cabinet will

For the First Time Since Last Ocnot be spared. "Especially threatened are Consul tober the Market Fatis to Respond General Lee and the officers of the conto the Young man's Magic Touch. sulate, on account, among other rea-He Adds 1,000,000 Bushels to His sons, of their generous treatment of the

"The American colony will be the on to suffer most, as the members of the colony possess the complete animosity

of all Spaniards. "The Spanish party does not forget the campaign that the autonomists used to make against the Spanish government, and to such an extent was the campaign waged that it is considered that the present revolution had its beginning in the political campaign that the autonomists made throughous the island."

MORE TROOPS FOR CUBA.

Fifteen Thousand Spanards to Be owned 5,000,000 bushels among them. Rushed to the Island.

wheat tonight. If an up turn should Havana, Feb. 4.-Fifteen thousand come now. Leiter would get all the profits in sight, but he is alone on the oops will be dispatched to Cuba shortly. This move is looked upon here bull side. All his former companions as indicating that the government has decided to make one last desperate ef-Haarslick is a St. Louis millionaire operator, with whom, it is said. Letter had made a bull deal to send wheat to fort to stop the war by force of arms, The government heretofore has refus-\$1,25, but he refused to stay longer. He said he had had enough. Armour has been a big bear factor in the mar-ket, and it is said very plainly by his ed all of Gen. Blanco's requests for reenforcements, and it has been stated positively on numerous occasions that friends that he proposes to get back the \$1,000,000 or so he lost to Leiter in the December deal.

Leiter is lightening up on his news. He refuses now to give out anything pro or con as to the cash wheat posi-tion, and those who are closest to him are following his example. This height. so more troops could be sent to the sland.

laiand.

The newspapers are very pessimistic in regard to the situation. The fullure of Gen. Blanco's mission in the East has created a bad impression here. The Spanish people had expected much from autonomy, but they are beginning to see what the world has long ago perceived that autonomy was doomed to failure. The newspapers admit now that there will be great ifficulty in the pacification of the is-

could sell a good deal of his cash wheat, perhaps all of it, over night.

With Leiter so uncommunicative they fear that they may be treated to some such surprise on coming down town some fine morning. At the same time, the bears say that Leiter can do nothing but play into their hands, and that the begins to sell the prices will so o an afficial statement, just \$24,000.
Nearly 225,000 men have been sent to the island, only one-half of this number are row left fit for duty. Death, describen and sickness accounor the others.

> THE MARSLEHEAD REARD FROM Commander Converse Reports Everything Quiet at Matauzas. munander Converse, of the cruis-

Montgomery, cabled the Navy Department late last night announcing his arrival at Matanzas, Cuba, yesterday, He said the customary visits with all officials had been exchanged and all was unusually quiet in that vicinity. There were no signs of disorder. Commander Converse said that when the Mangomery entered port the Span-ish flag was saluted and the salute was returned.

NO RISE IN COAL PRICES.

None Likely, if at All, Before the First of Auril It is not thought by the large whole

sale coal dealers in this city that the advance of 10 cents a ton in the price d coal in New York, which wen effect on February 1, will affect the price of coal here. It is said that the New York advance is due to the work. ings of the Coal Trust, of which J.

Pierpont Morgan is the leading figure. Whether the trust will be able to alter the present price of coal in the nent coal dealer in this city said to day that he did not think that any adite coal of the country is controlled by the trust, with the exception of a few Virginia and West Virginia mines, and as long as large Southern mines refus-to enter the trust, he did not think that

the prevailing price would change this locality. The trust, he said has not as yet been able to get courrol of the bitum or soft, coal mines, and many persons ould prefer using soft coal to paying large advance on the price of hard oal. The price of coal in this city is practically regulated by the Southern Sales Agents' Association, which meets monthly in Philadelphia, and any change in prevailing prices would probbly come from that organization. retail dealers interviewed by The Times today said that they did not an-ticipate any advance, although such a thing could happen at any moment The retailers look to the wholesalers. The retailers to the shippers, the the wholesalers to the shippers, the thippers to the mine owners. In deter-mining upon the price of coal, but up-arity the mine owners depended Times' informant was puzzled to

KENNEDY CASE CONTINUED. The Coal Tealer to Be Tried by Jury Monday.

The case against Mr. John Kennedy local coal dealer, who is charged in the Police Court with delivering "short weight" coal, was called this morning but was postponed until Monday at 1

jury, and after being examined on his voir dire, the following jurors were hosen to try the case: Messrs, George W. White, F. J. Lyd-

The defendant demanded a trial by

dane, James E. Conway, H. L. Her-sell, Samuel S. Darby. Benjamin Hayes, Alexander Gardner, Sylvester Thomas, Morris Fitzgerald, Clement Robinson, George H. Proctor and H.

A Farmer Narrowly Escapes Death. W. N. Grounsell, a dairyman, who lives at Suitland, Prince George's coun-

ty, Md., escaped death narrowly at the Twining City crossing of the B. & O. tracks at Il o'clock this morning. Grounsell was driving toward his home. and in crossing the railroad the wag-on was struck by a fast-moving freight train. The wagon was smashed, the horse injured, and Grounsell was thrown out and brulsed seriously. He says that the engineer failed to blow or ring for the crossing, where no flagman is stationed.

For Cold Weather Wearing - Way's fufflets-\$1 At Auerbach's, 623 Pa. av. Weather strips, cent and a half a foot: all kinds; with small nails.

GERMANY TAKES OUR FRUI

ONE CENT.

The Edict Prohibiting Its Impertation Promptly Medified.

IN FEAR OF RETALIATION

Ambassador White Believed to Have Been Instructed to Threaten the Exclusion of German Sugar and Wines From This Country-Additional Dispatches Received.

The news is current that the change of front in twenty-four hours by Germany in relation to the exclusion of American fresh fruit has a big story behind it with which the fresh fruit is only remotely concerned. It is certainly believed that the State Departyesterday sent Ambassador White instructions to demand peremptorily an explanation of the German act of discourtesy, by which it put in force a regulation affecting American ommerce without even an intimation of the intention to the American ambassador at Berlin.

The answer of the German governnent is believed to be found in the sion to land the prescribed fruit and a change of base which will include only a few trees and shrubs. It is said that there was some very hor errespondence all day yesterday by cable which was not given out by the State Department officials.

The Cabinet meeting held today was expected to be of some moment, and especially in view of the statement that t would handle the German embargo provision as to American fruit. The lovernment appears, however, to be satisfied with the results so far obtained by the State Department. The Gernan government has, according to dispatches to the State Department and to the press, withdrawn its original or-

der, or, rather, it has been so modified that there is now no acute interest in the agitation.

The latest news is that a decree has been made in substitution of the order of the Prussian Minister, prohibiting the importation of all kinds of American fresh fruit.

The new decree involves only the ex-

American fresh from.

The new decree involves only the exfusion of five plants, shrubs, etc. This
is not a grave matter of itself, even if
ill such plants were excluded; and they
cannot be excluded except after exammatten to prove that they are infected
in any manner to affect German trees n any manner to affect German tre That the German government yield-ed to the protests of this Government is evidenced by the fact that orders

were issued yesterday permitting the landing of apples at Hamburg. This was a direct consequence of the repre-sentations made yesterday to the Ger-man government by Ambassasdor White on the instructions of the State Department. separtment.

Judge Day, the First Assistant Se Judge Day, the First Assistant Sen-retary of State, called on the Fresident early today and remained with him un-til the meeting of the Cabinet. He gave the Cabinet the benefit of his ad-vices from Ambassador White and on here it was agreed that there was no

nothing serious in the situation. It is said that the whole value of the experis to Germany, about which the excitanent has been aroused, is only about It was the principle, however, against and so vigorously that the decree was modified. There is a report today that Ambassador White was instructed to onvey to the Prussian minister the determination of this Government retaliate insediately by the exclusi of German sugar and wines, the ports of the latter having been largely increased within the last six months. Mr. White was also asked to seek from the German government an ex-planation of why it asked without no-

e to the American representative at Had this Government done such a thing there is no doubt that Ambassa-dor Dr. Von Holleben would have been recalled and another way of apologizing for the discourtesy sought

by the Kaiser.

This phase of the case has apparently blown over, but there may be some interesting revelations in detail, as to now and why the German govern dor White were received at the State Department at 2 o'clock today, relative to the embargo piaced on American fruit by the government of Germany. Judge Day, while refusing to divuice heir exact nature, said that the ulty would be arranged satisfactorily o American interests.

RAISED TO AN EMBASSY.

Minister Hitchcock, at St. Petersburg, is to Be Promoted.

The State Department has received a ommunication from the Russian government at St. Petersburg asking if it would be satisfactory to the American Government to raise the rank of our Minister at St. Petersburg to an Ambassador. A reply was sent at once that such a proceeding would meet the approval of this Government.

Under this arrangement, Ethan Allen Hitchcock, of St. Louis, now Minister to Russla, will become an Ambassador, with all the mark and privileges conferred by such a proposition.

ferred by such a promotion. Count Cassina, new Russian Minister in the Orient, will be raised to the rank of Ambassader and sent to Washington o represent the Czar. There are now Ambassadors to this govern the representatives of Great Biginin, Germany, France and Italy enjoying

ENCROACHING ON OUR SOIL

this distinction.

Canadian Customs Officers Are Ordered Into American Territory Seattle, Feb. 4.-Canadian customs flicers have been stationed on the Portage between Lindeman and Lake Bennett, on territory claimed by Amer-

les, with the evident intention of colecting duty. This action is in effect to move the oundary line four miles into American territory, making another complication in the international dispute. The Seat-tle chamber of commerce has advised Americans to resist payment.

Heavy underwear still selling at 20 per cent off! Auerbach's, 623 Fa. av. IVY BUSINESS COLLEGE Sch and K.

Weather strips at Libbey & Co., 6th & N. Y. ave.; felt or rubber,

Sixth street and New York avenue